REMARKS

Applicants respectfully request that the Examiner reconsider the subject application as amended herein.

35 U.S.C CLAIM §112 REJECTION

The Examiner has rejected claims 61-67 under 35 U.S.C. § 112 as being indefinite because the term "the program" lack an antecedent basis. In response to this rejection, Applicants have amended claims 61, and 64-67, to make more clear the term "program." Further, claim 61 has been amended by deleting the phrase "in conjunction with the program," and claim 64 has been amended by deleting the phrase "in conjunction with the program being received on said program channel," in order to simplify, and therefore make more clear, the meaning of these claims. Further, claim 66 has been amended by substituting --an-- for "the" as a modifier of the term "icon", to make clear that the term "icon" does not have an antecedent. No new matter has been added, and no elements have been narrowed or changed in their meaning.

35 U.S.C. §102(e) REJECTION

The Examiner has rejected claims 56-57, and 61-67 under 35 U.S.C. §102(e) as being anticipated by Throckmorton (US 5,818,441) and has rejected claims 56, 61, and 64-67 under 35 U.S.C. §102(e) as being anticipated by Harrison (US 5,694,163).

Applicants respectfully traverse the §102(e) rejection.

OVERVIEW

Throckmorton describes a system for receiving a video signal that is combined with a data signal and termed therein "associated data." The associated data is stored in memory for future use. The "associated data" is not interactive compatible data as recited by the Applicants. Throckmorton describes retrieving data from remote computers upon "human interface" command for presentation to a user at the "human interface." The data from remote computers is not interactive compatible data as recited by the Applicants, and is not received using the structure and method as recited by the Applicants

Harrison describes a system for receiving a video signal that is combined with a data signal and termed therein "associated data." The associated data is not interactive compatible data as recited by the Applicants. The associated data consists of chat data to be displayed on a separate window from the video. Harrison describes that the associated chat data is replaced by chat data from a chat in which the user participates, in response to an input at a keyboard. The chat in which the user participates is not interactive compatible data as recited by the Applicants, and is not received using the structure and method as recited by the Applicants

Neither Throckmorton nor Harrison anticipate determining whether a program is interactive compatible, and retrieving the video interactive program with the structure and method recited by the Applicants. The system described in Throckmorton and Harrison describes data and that happens to enter their systems in association with a television signal. Throckmorton and Harrison also describe receiving other data for display or storage that is not interactive television data and that is without the details of structure and method recited by Applicants. Either

expressly or inherently, the claim elements recited by the Applicants is not present in Throckmorton and in Harrison.

THE THROCKMORTON 35 U.S.C. §102(e) REJECTION

Claim 56

The Applicants respectfully submit that Throckmorton does not anticipate claim 56 because claim 56 includes at least three elements not described in Throckmorton either expressly or inherently. Applicants' Claim 56 recites a viewer computing unit comprising the following elements:

> 1) a processor programmed to determine whether the video content programs are interactive, and (2) an Internet browser stored in memory and being dynamically loadable for execution on the processor (3) when the tuner is tuned to a channel carrying a video content program that is interactive.

The Office Action contends that Throckmorton at col. 6 line 28 - col. 9 line 15 inherently discloses Applicant's viewer computing unit as recited in claim 56. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described. Furthermore, inherency may not be established by probabilities or possibilities. MPEP §2112 from *In re Robertson*, 49 USPQ2d 1949, 1950-52 (Fed. Cir. 1999). Applicants respectfully submit that Throckmorton does not inherently disclose Applicants' viewer computing unit as recited in claim 56.

Throckmorton (col. 6 line 28 - col. 9 line 15) describes a system for receiving and displaying both broadcast data (termed "primary data") and associated data. Throckmorton describes input video signal 50 that has a primary data stream portion and an associated data stream portion. These portions are combined by the synchronizer (col. 5 line 21-23). The system 34 separates this combined input signal into a primary data stream portion and an associated data stream portion without testing whether there is an interactive or even an associated content. Throckmorton describes a receiver 36 receiving an input signal that contains a combined primary data and associated data stream (col. 5 line 21-23, col. 6 line 7-8). The receiver 36 separates ("demodulates") the input signal into a separate primary data stream (path 52), and an associated data stream (path 56) (col. 6 line 30-35). The associated data steam passes through decoder 58 to decode the associated data from the delivery media (col. 6 line 50-51). A protocol manager 60 extracts the associated data from the data stream and converts the associated data into a form compatible with communications manager 66 (col. 6 line 56-60).

Throckmorton also describes a local data manager 84 connected to both the communications manager 66 and a "human interface" 88. The local data manager receives commands from the "human interface" to retrieve associated data from local storage 80 for presentation, a browser "may be used to display data pages from the WWW" (col. 7 line 36 - line 44). Throckmorton describes that a remote data manager 92 receives commands from the "human interface" 88 to retrieve data from remote computers through communications channel 74, and send that data for presentation to the "human interface" 88 (col. 8 line 30-34). Communications channel 74 (FIG. 5) "provides the functions of connecting the

client system interactively to remote computers" (col. 9 line 53-57), and the "two-way communication channel allows a consumer to access online services" which may be web pages" (col. 9 line 1-4).

Applicants' element (1) a processor "programmed to determine whether the video content programs are interactive" is not expressly or inherently present in the system described in Throckmorton. There is not a structure described in Throckmorton expressly or inherently to determine whether a video program is interactive. The structure described in Throckmorton instead assumes that a video signal has an associated (not an interactive) component that is input with the video signal. The associated data stream portion in Throckmorton is specifically not related to an interactive (col. 4 line 6-line 13) television program. With reference to the cited FIG. 3, a user nowhere interacts with the associated data, but instead views it (col. 7 line 38-41). Throckmorton does not take any action depending upon whether there is an interactive or even an associated data portion. With reference to the Communication channel 74 providing "the functions of connecting the client system interactively to remote computers," and the "two-way communication channel allow[ing] a consumer to access online services" (col. 9 line 1-4) termed "interactive" here, does not mean that a video program is interactive but only that a connection between the client system and the remote computer is interactive. Moreover, this connection with remote computers is expressly stated in Throckmorton as being initiated by a "human interface" and therefore not a result of a "processor programmed to determine whether the video content programs are interactive" as recited by Applicants.

Applicants' element (2) "Internet browser that is stored in memory, and dynamically loadable for execution on the processor" is not expressly or

inherently present in the system described in Throckmorton. Throckmorton merely states that a Web Browser may be used to display pages from the WWW in response to a command from the human interface 88 (Col. 7 Line 35-44). Throckmorton mention the word "browser" only in this last reference and nowhere states or describes that the Internet browser is dynamically loadable. Throckmorton does not describe any structure that makes his browser expressly or inherently dynamically loadable or executing. For instance, the browser may always be loaded. It is not inherent that a browser be dynamically loadable.

Moreover, Applicants' element (3) the Internet browser being dynamically loadable "when the tuner is tuned to a channel carrying an interactive video content program" is not expressly or inherently present in the system described in Throckmorton. Throckmorton describes no structure to load the browser when the tuner is tuned to an interactive video content program. As already described with reference to elements (1) and (2), the structure that Throckmorton does not expressly or inherently describe a processor that determines whether a video program is interactive, and does not describe a browser that is dynamically loadable. Throckmorton describes no structure to load the browser when the tuner is tuned to an interactive video content program, and could not because in the system described in Throckmorton, there is no determination of whether a program is interactive. The browser mentioned in Throckmorton for instance may always be in memory or may always be executing, or may be loadable and executing in response to some condition other than whether a tuner is tuned to an interactive channel. Throckmorton expressly states that the data accessed over the Internet is accessed upon "human" interface command, and specifically not upon

tuning to an interactive program as recited by Applicants. For any of these reasons, Throckmorton does not inherently describe Applicant's element (3).

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 56 recites at least three elements that are not described expressly or inherently in Throckmorton in the exact manner claimed by Applicants. For this reason, Throckmorton does not anticipate claim 56.

Claim 57

The Applicants respectfully submit that Throckmorton does not anticipate claim 57 because claim 57 depends from claim 56. Claim 57 is allowable by virtue of its dependency on base claim 57.

Moreover, the Applicants respectfully submit that Throckmorton does not anticipate claim 57 because claim 57 includes other elements that are not described in Throckmorton either expressly or inherently. Applicants' claim 57 recites the viewer of claim 56 comprising the following elements:

> (1) an electronic programming guide (EPG) stored in the memory and executable on the processor to organize programming information, (2) the EPG associating a target specification to a target resource with a video content program and (3) the Internet browser activating the target resource when the tuner is tuned to the video content program.

The Office Action contends that Throckmorton (col. 8 line 16 - col. 9 line 15) inherently discloses Applicant's EPG as recited in claim 57, including the 3 elements enumerated above. Applicants respectfully submit that Throckmorton does not inherently disclose these 3 elements.

The Office Action cites the section of Throckmorton (FIG. 4 and col. 8 line 16-col. 9 line 15) cited above with respect to claim 56. As described with respect to claim 56, this cited section of Throckmorton states that upon operator (i.e. "human interface") command, the internet is accessed for data from remote computers sent to the "human interface" for presentation.

Applicants' element (1) an "EPG" to "organize programming information" is not expressly or inherently present in the system described in Throckmorton. Throckmorton does not state or describe the bases for accessing the internet for interactive data. Throckmorton describes that coupled computers are accessed upon "human interface" command. There is no indication that an EPG is used. Based upon the description in Throckmorton, Throckmorton could just as feasibly access coupled computers based on hand-written notations on a pad that the human operator reads and inputs, upon some static reference that is not specifically program dependent, or upon some data set that is transmitted to the system 34 but that is not program dependant.

Applicants' element (2) an "EPG associating a target specification to a target resource with a video content program EPG" is not expressly or inherently present in the system described in Throckmorton. Throckmorton does not describe an EPG, does not describe a structure to necessarily initialize an EPG with data, does not describe a structure to use an EPG, and does not describe a structure to organize an EPG. In the system described in Throckmorton, the data

accessed over the internet is referenced to the associated data (col. 9 line 1-15) and the associated data is input into receiver 36 concurrently with the video portion, thus obviating any necessity for an EPG. Throckmorton does not state or describe in any way that system 34 organizes program information. If in some way Throckmorton does organize program information, there are endless possibilities to organize the information, and it is not necessary (i.e. inherent) that Throckmorton do it by "associating a target specification to a target resource with a video content program EPG" as recited by Applicants.

Applicants' (3) "Internet browser activating the target resource when the tuner is tuned to the video content program" is not expressly or inherently present in the system described in Throckmorton. As described with reference to claim 56, Throckmorton does not test whether the primary data stream is an interactive video program, or take any action dependent upon it having an associated data stream portion, or an interactive portion. Moreover, Throckmorton expressly states that data is accessed over the Internet upon "human interface" command, and not that a browser activates a target resource when a tuner is tuned to a video content program.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 57 recites at least three elements that are not described expressly or inherently in Throckmorton in the exact manner claimed by Applicants. For this reason, as well as by virtue of the dependency of claim 57 on base claim 56, the Applicants submit that Throckmorton does not anticipate claim 57.

Claim 61

The Applicants respectfully submit that Throckmorton does not anticipate claim 61 because claim 61 includes two elements that are not described in Throckmorton either expressly or inherently. Applicants Claim 61 recites a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the following elements:

> (1) determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which supports interactive functionality, the target resources being located by corresponding target specifications, and (2) in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resource in support of interactive functionality for the program.

The Office Action contends that Throckmorton describes a method for transmitting primary data and associated data to a system 34 as described with reference to claim 56. The Office Action then comments that the elements of claim 61 are inherent.

Applicants' element (1) "determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which supports interactive functionality, the target resources being located by corresponding target specifications" is not expressly or

inherently present in the system described in Throckmorton. First, Applicants respectfully submit that Throckmorton does not expressly or inherently describe determining whether a program being viewed is interactive compatible (upon tuning to a channel carrying the video content program). Described above with reference to claims 56 and 57, Throckmorton does not describe expressly or inherently determining if a program is interactive compatible. Instead, Throckmorton describes transmitting primary data and associated data, receiving and then separating the primary and associated data, and communicating with coupled computers upon "human interface" command without describing the bases for accessing the internet for data. Throckmorton provides no structure or method to determine if a program is interactive compatible, does not describe determining whether a program is interactive compatible (upon tuning to a channel carrying the video content program), and is not directed at determining whether a program is interactive compatible (because no actions are described in Throckmorton as dependant upon that determination). There is no reason that determining whether a program is interactive compatible (upon tuning to a channel carrying the video content program) is expressly or inherently present in the system described in Throckmorton.

Applicants' element (2) "in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resource in support of interactive functionality for the program" As described above with reference to claim 56, Throckmorton does not expressly or inherently determine whether a program is interactive compatible. Moreover, an interactive compatible program is recited in claim 61 as being associated with target resources containing

data which supports interactive functionality, the target resources being located by corresponding target specifications. Throckmorton only describes that a "human" interface can command to receive data from other computer systems. Described with reference to claims 56 and 57, Throckmorton does not describe, expressly or inherently, a basis for accessing the internet, and could just as feasibly access coupled computers based on hand-written notations on a pad that the human operator reads and inputs, upon some static reference that is not specifically program dependent, or upon some data set that is transmitted to the system 34, but that is not associated with an interactive compatible program having target resources containing data which supports interactive functionality, the target resources being located by corresponding target specifications, as recited in claim 61. There are endless possibilities. Throckmorton does not describe a structure or a method to determine whether a program is interactive compatible as recited in claim 61. Moreover, Throckmorton does not expressly or inherently describe a computer implemented retrieving of a target specification associated with a program if the program is interactive compatible. As already described, Throckmorton describes only a "human" interface to issue a command to receive data from other computer systems. Moreover, as described with reference to claim 56, Throckmorton does not describe launching a browser. Moreover, as described with reference to claims 56 and 56, Throckmorton does not expressly or inherently describe interactive functionality for a program.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 61 recites at least two elements that are not described expressly

or inherently in Throckmorton in the exact manner claimed by Applicants. For this reason, the Applicants submit that Throckmorton does not anticipate claim 61.

Claim 62

The Applicants respectfully submit that Throckmorton does not anticipate claim 62 because claim 62 depends from claim 61. Claim 62 is allowable by virtue of its dependency on base claim 61.

Moreover, the Applicants respectfully submit that Throckmorton does not anticipate claim 62 because claim 62 includes at least three elements that are not described in Throckmorton expressly or inherently. Applicants' claim 62 recites the method of claim 61 comprising the following elements:

> (1) wherein the target specifications are correlated with the program in a program listing, and further comprising (2) checking the program listing to ascertain whether the program is interactive compatible and (3) determining that the program is interactive compatible by presence of a target specification being associated with the program in the program listing.

The Office Action contends that Throckmorton discloses the Communication manager 66 receiving data from communication devices (col. 6 line 60 - col. 7 line 12), real time trigger 76 accepting commands sent as part of the associated data to display a page without the user asking for it, and at any time the user may be browsing the data stored in local storage (col. 7 line 20 - col. 8

line 15). The Office Action then comments that the elements of claim 62 are inherent.

Applicants' element (1) "wherein the target specifications are correlated with the program in a program listing" is not expressly or inherently present in the system described in Throckmorton. As described with reference to claims 56, 57, and 61 above, the Throckmorton video signal and the associated data signal are received as a combined common signal. The data from other computers, which is not interactive data, are commanded upon "human interface" without any basis described. There is no structure or method described in Throckmorton that is related to a program listing, or correlating a target specification with a program in a program listing. With regard to the cited section of Throckmorton, and as described with reference to claim 56, real time trigger 76 is coupled to the non-interactive associated data stream 64. It is un-related to interactive data. It is a structure for the associated data which is not retrieved from other sources, but is implicitly input into the receiver 36 along with the primary data.

Applicant's element (2) "checking the program listing to ascertain whether the program is interactive compatible" is not expressly or inherently present in the system described in Throckmorton. As described with reference to claims 56, 57, and 61, the system described in Throckmorton down not ascertain expressly or inherently whether a program in interactive compatible, so certainly does not expressly or inherently ascertain that a program is interactive compatible by checking a program listing. As described with reference to claim 61, there is no structure or method described in Throckmorton for utilizing a program listing.

Applicant's element (3) "determining that the program is interactive compatible by presence of a target specification being associated with the program

in the program listing" is not expressly or inherently present in the system described in Throckmorton. As described with reference to claims 56, 57, and 61, the system described in Throckmorton down not determine expressly or inherently whether a program is interactive compatible, and does not expressly or inherently determine that a program is interactive compatible by checking a program listing. There is no structure or method described in Throckmorton for utilizing a target specification.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 62 recites at least three elements that are not described expressly or inherently in Throckmorton in the exact manner claimed by Applicants. For this reason, as well as by virtue of the dependency of claim 62 on base claim 61, the Applicants submit that Throckmorton does not anticipate claim 62.

Claim 63

The Applicants respectfully submit that Throckmorton does not anticipate claim 63 because claim 63 depends from claim 61. Claim 63 is allowable by virtue of its dependency on base claim 61.

Moreover, the Applicants respectfully submit that Throckmorton does not anticipate claim 63 because claim 63 includes at least one element that is not described in Throckmorton expressly or inherently. Applicants' claim 63 recites a computer programmed to perform the steps recited in claim 61, that is not described expressly or inherently in Throckmorton.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully

submit that at least two elements of claim 63 are not described expressly or inherently in Throckmorton in the exact manner claimed by Applicants. For this reason, the Applicants submit that Throckmorton does not anticipate claim 63.

Claim 64

The Applicants respectfully submit that Throckmorton does not anticipate claim 64 because claim 64 includes at least three elements not described in Throckmorton either expressly or inherently. Applicants' Claim 64 recites a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the following elements:

> (1) determining if a program is interactive compatible by checking a channel separate from said channel carrying the video content program for presence of the supplemental content, where an interactive compatible program is associated with target resources containing data which support interactive functionality in conjunction with the video content program, (2) the target resources being located by corresponding target specifications; and (3) in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resources in support of interactive functionality for the program.

The Office Action contends that claim 64 is inherently the method described in Throckmorton in Col. 8 line 15-Col. 9 line 15. The cited portion of Throckmorton describes a local data manager 84 connected to both the communications manager 66 and a "human interface" 88. The local data manager 84 receives commands from the "human interface" to retrieve associated data from local storage 80 for presentation, and a browser "may be used to display data pages from the WWW" (col. 7 line 36-.line 44). Throckmorton describes that a remote data manager 92 receives commands from the "human interface" 88 to retrieve data from remote computers through communications channel 74 and send that data for presentation to the "human interface" 88. (col. 8 line 30-34). The "two-way communication channel allows a consumer to access online services" which may be web pages" (col. 9 line 1-4).

As described with reference to Claim 56, Throckmorton does not expressly or inherently determine whether a program is interactive compatible. As described with reference to claims 56, 57, 61, 62, 63. and 64 above, Throckmorton does not describe expressly or inherently the three elements above, particularly "determining if a program is interactive compatible by checking a channel separate from said channel carrying the video content program for presence of the supplemental content in conjunction with a being received program on said channel carrying the video content program," and "the target resources being located by corresponding target specifications," and "in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resources in support of interactive functionality."

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 64 recites at least three elements that are not described expressly or inherently in Throckmorton in the exact manner claimed by Applicants. For this reason, the Applicants submit that Throckmorton does not anticipate claim 64.

Claim 65

The Applicants respectfully submit that Throckmorton does not anticipate claim 65 because claim 65 includes at least three elements not described in Throckmorton either expressly or inherently. Applicants' Claim 65 recites a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the following elements:

> (1) determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality in conjunction with the interactive compatible program, the target resources being located by corresponding target specifications; (2) displaying an icon to visually inform the viewer that the program is interactive compatible; and (3) in an event that the program is interactive compatible, retrieving a target specification associated with the program and launching an Internet browser to activate the target resource in support of interactive functionality for the program.

The Office Action contends that Throckmorton inherently describes elements (1) - (3) above. As described above with reference to claims 56, 57, and 61-63, Throckmorton neither expressly or inherently describes determining if a program is interactive compatible, and in the event the program is interactive compatible, retrieving a target specification associated with the program and launching an Internet browser. Moreover, Applicant's element (2) "displaying an icon to visually inform the viewer that the program is interactive compatible" is not expressly or inherently present in Throckmorton. Throckmorton nowhere describes an icon or visually informing a viewer that a program is interactive compatible. As already described with reference to Claims 56, 57, and 61-63, Throckmorton describes a system having associated data and not interactive compatible data.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 65 recites at least three elements that are not described expressly or inherently in Throckmorton in the exact manner claimed by Applicants. For this reason, the Applicants submit that Throckmorton does not anticipate claim 65.

Claim 66

The Applicants respectfully submit that Throckmorton does not anticipate claim 66 because claim 66 includes at least five elements not described in Throckmorton either expressly or inherently. Applicants' Claim 66 recites a computer-implemented method for activating interactive supplemental content for

a video content program upon tuning to a channel carrying the video content program, comprising the following elements:

> (1) determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which supports interactive functionality in conjunction with the interactive compatible program, (2) the target resources being located by corresponding target specifications; (3) displaying the interactive supplement content in response to the viewer activating an icon; and (4) in an event that the program is interactive compatible, retrieving a target specification associated with the program and (5) launching an Internet browser to activate the target resource in support of interactive functionality for the program.

The Office Action contends that for the same reasons given with respect to claim 65, Throckmorton inherently describes claim 66. The Office Action further contends that "the system actually connects to and retrieves the referenced information from the appropriate source. As a result, the interactive supplemental content is displayed in response to the viewer activating the icon." (Col. 9 line 12-14).

Applicants respectfully submit that this passage of Throckmorton cited in the Office Action refers to associated data possibly having references such as a URL for retrieving the referenced information on the internet. Thus by clicking

the reference, the system can connect to the reference. There is no reference here or any where else in Throckmorton to an icon or to a viewer activating an icon.

As described above with reference to claims 56, 57, and 61-65, Throckmorton neither expressly or inherently describes elements (1)-(5) including determining if a program is interactive compatible; target resources being located by corresponding target specifications; displaying an icon (in order for a viewer to activate the icon); in an event that the program is interactive compatible, retrieving a target specification associated with the program; and launching an Internet browser to activate the target resource in support of interactive functionality for the program if a program is interactive compatible as recited by Applicants in claim 66.

Moreover, Applicant's element (2) "displaying the interactive supplement content in response to the viewer activating the icon" is not expressly or inherently described in Throckmorton. As described with reference to claim 65, Throckmorton does not display an icon. Throckmorton does not visually inform the viewer that the program is interactive compatible, or visually inform the viewer that the program is interactive by displaying an icon. Throckmorton does not display interactive content, but displays just associated data and data from remote computers that is not expressly or inherently interactive compatible. Throckmorton as described with reference to claim 57, does not give any basis for displaying data from remote computers other than it is done by "human interface."

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 66 recites at least five elements that are not described expressly

or inherently in Throckmorton in the exact manner claimed by Applicants. For this reason, the Applicants submit that Throckmorton does not anticipate claim 66.

Claim 67

The Applicants respectfully submit that Throckmorton does not anticipate claim 67 because claim 67 includes at least five elements not described in Throckmorton either expressly or inherently. Applicants' Claim 67 recites a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the following elements:

> (1) determining if a program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality in conjunction with the interactive compatible program, (2) the target resources being located by corresponding target specifications; (3) in an event that the program is interactive compatible, retrieving a target specification associated with the program and (4) launching an Internet browser to activate the target resource in support of interactive functionality for the program; and (5) automatically displaying the interactive supplement content together with the program.

The Office action refers to the associated data being displayed in Throckmorton. (Col. 7 line 21-29), and contends that the interactive supplemental content is automatically displayed together with the program.

As described with reference to claims 56, 57, and 61-66, Throckmorton does not expressly or inherently describe elements (1)-(4). Moreover, Applicants respectfully submit that Throckmorton does not expressly or inherently describe Applicants' element (5) "automatically displaying the interactive supplement content together with the program." Throckmorton does not describe "interactive supplemental content" but instead describes a concurrently received signal that is termed "associated data." Throckmorton does not expressly or inherently describe receiving interactive supplement content and automatically displaying the interactive supplement content together with the program.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 67 recites at least five elements that are not described expressly or inherently in Throckmorton in the exact manner claimed by Applicants. For this reason, the Applicants submit that Throckmorton does not anticipate claim 67.

THE HARRISON 35 U.S.C. §102(e) REJECTION

Claim 56

The Applicants respectfully submit that Harrison does not anticipate claim 56 because claim 56 includes at least three elements not described in Harrison either expressly or inherently. Applicants' Claim 56 recites a viewer computing unit comprising the elements recited above with reference to Throckmorton.

The Office Action contends that Harrison (col. 2 line 53 - col. 3 line 34) inherently discloses Applicant's viewer computing unit as recited in claim 56. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described. Furthermore, inherency may not be established by probabilities or possibilities. MPEP §2112 from *In re Robertson*, 49 USPQ2d 1949, 1950-52 (Fed. Cir. 1999). Applicants respectfully submit that Harrison does not inherently disclose Applicants' viewer computing unit as recited in claim 56.

Harrison (col. 2 line 53 - col. 3 line 34) provides a summary of a system in which a "chat" signal is inserted into a television program signal (col. 2 line 35-38), and received and separated. The television program is displayed in one window, the chat encoded data is displayed in another window (col. 2 line 60-65). A telephone channel is also provided that allows connection to on-line chatting triggered by an input at a keyboard (col. 3 line 2-5). Thus, a consumer can either observe someone else's chat transmitted with the television signal in the chat window, or alternatively the consumers own chat if the keyboard is exercised (col. 3 line 12-27). Harrison FIG. 2 shows the chat data coming in as associated data with a TV program 202, then being separated by the decoder 204 for separate viewing on the chat room window 226. However, alternatively the signal from an actual chat the user is participating in can be input from the selection logic 224 to be displayed, rather the encoded associated data (col. 3 line 53 - col. 6 line 10 or col. 6 Line 15 - Col. 6 line 67).

Applicants' element (1) a processor "programmed to determine whether the video content programs are interactive" is not expressly or inherently present in the system described in Harrison. Harrison in no way addresses interactive

television. There is not a structure described in Harrison expressly or inherently to determine whether a video program is interactive. The structure described in Harrison instead assumes that a video signal has an associated chat component unrelated to interactive television, or even not necessarily related in any way to the television program, that is input with the video signal. The real-time chat data input through the selection logic 224 is not necessarily related to the television program but is merely displayed at the same time as a possibly being displayed television program, but in a different window.

Applicants' element (2) "Internet browser that is stored in memory, and dynamically loadable for execution on the processor" is not expressly or inherently present in the system described in Harrison. Harrison does not use the term "browser" anywhere, and uses the term internet at col. 3 line 17-22 to specifically teach away from this element by stating that "an advantage of this invention is that consumers do not have to be connected to the internet or on-line service." Harrison further does not describe any structure that makes a browser expressly or inherently dynamically loadable or executing.

Moreover, Applicants' element (3) the Internet browser being dynamically loadable "when the tuner is tuned to a channel carrying an interactive video content program" is not expressly or inherently present in the system described in Harrison. As already described with reference to elements (1) and (2), the structure that Harrison describes does not expressly or inherently describe a processor that determines whether a video program is interactive, and does not describe a browser that is dynamically loadable.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully

submit that claim 56 recites at least three elements that are not described expressly or inherently in Harrison in the exact manner claimed by Applicants. For this reason, the Applicants submit that Harrison does not anticipate claim 56.

Claim 61

The Applicants respectfully submit that Harrison does not anticipate claim 61 because claim 61 includes two elements that are not described in Harrison either expressly or inherently. Applicants Claim 61 recites a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the elements recited above with reference to Throckmorton.

The Office Action contends that the limitations of claim 61 are analyzed with reference to claim 56. As described with reference to claim 56, Harrison neither expressly or inherently describes the elements of claim 56. Moreover, Harrison provides not structure for retrieving any kind of data as recited in element (2). Instead Harrison merely displays data physically associated with the television signal, or instead, chat data if the consumer is chatting. Nothing is retrieved by any structure described in Harrison.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 61 recites at least two elements that are not described expressly or inherently in Harrison in the exact manner claimed by Applicants. For this reason, the Applicants submit that Harrison does not anticipate claim 61.

Claim 64

The Applicants respectfully submit that Harrison does not anticipate claim 64 because claim 64 includes at least three elements not described in Harrison either expressly or inherently. Applicants' Claim 64 recites a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the elements recited above with reference to Throckmorton.

The Office Action contends that the limitations of claim 61 are analyzed with reference to claim 56. As described with reference to claim 56, Harrison neither expressly or inherently describes the elements of claim 56. Moreover, claim 64 further recites a specific method for determining if a program is interactive compatible including element (1) determining if a program is interactive compatible by checking a channel separate from said channel carrying the video content program for presence of the supplemental content in conjunction with a being received program on said channel carrying the video content program, where an interactive compatible program is associated with target resources containing data which support interactive functionality in conjunction with the video content program, element (2) the target resources being located by corresponding target specifications; and element (3) retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resources. Even if Harrison were somehow to inherently describe the elements of claim 61 (which Applicants traverse) Harrison neither explicitly nor inherently provides a structure or a method for any of the elements further recited in claim 64 which the Office Action does not address. Interactive compatibility is not determined in Harrison, target resources are not

located in Harrison, and target data associated with the program is not retrieved in Harrison. Harrison merely displays data physically associated with the television signal, or instead, chat data if the consumer is chatting.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 64 recites at least three elements that are not described expressly or inherently in Harrison in the exact manner claimed by Applicants. For this reason, the Applicants submit that Harrison does not anticipate claim 64.

Claim 65

The Applicants respectfully submit that Harrison does not anticipate claim 65 because claim 65 includes at least three elements not described in Harrison either expressly or inherently. Applicants' Claim 65 recites a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the elements recited above with reference to Throckmorton.

The Office Action contends that Harrison teaches a method as discussed in the rejection of claim 64. As described with reference to claim 64, Harrison neither expressly or inherently describes the elements of claim 64. Moreover, claim 65 further recites at least the element (2) displaying an icon to visually inform the viewer that the program is interactive compatible. Even if Harrison were somehow to inherently describe the elements of claim 64 (which Applicants traverse) Harrison neither explicitly nor inherently provides a structure or a method for element (2). The Office Action contends that 'the chat window reads on the 'icon'." The Applicants traverse. The icon is recited by Applicants for

indicating that a program is interactive compatible. The chat window in Harrison does not indicate whether or not a television program is interactive compatible. The chat window in Harrison displays the content of a chat, which is even not necessarily related to the contents of the television program.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 65 recites at least three elements that are not described expressly or inherently in Harrison in the exact manner claimed by Applicants. For this reason, the Applicants submit that Harrison does not anticipate claim 65.

Claim 66

The Applicants respectfully submit that Harrison does not anticipate claim 66 because claim 66 includes at least five elements not described in Throckmorton either expressly or inherently. Applicants' Claim 66 recites a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the elements recited above with reference to Throckmorton.

The Office Action contends that Harrison teaches a method as discussed in the rejection of claim 65. As described with reference to claim 65, Harrison neither expressly or inherently describes the elements of claim 65. Moreover, claim 66 further recites at least the element (3) "displaying the interactive supplement content in response to the viewer activating an icon." The Office Action contends that Harrison inherently comprises element (3) because the "computer is automatically makes a connection to the on-line service if a user chooses ... typing text at the computer keyboard." The Applicants traverse.

Applicants respectfully submit that if a viewer types at the keyboard, the viewer is typing "chat" data for direct display in the chat window and that is not interactive supplemental television content. At any rate, a user typing at the keyboard is not inherently the same as a user activating an icon.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 66 recites at least five elements that are not described expressly or inherently in Harrison in the exact manner claimed by Applicants. For this reason, the Applicants submit that Harrison does not anticipate claim 65.

Claim 67

The Applicants respectfully submit that Harrison does not anticipate claim 67 because claim 67 includes at least five elements not described in Harrison either expressly or inherently. Applicants' Claim 67 recites a computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the elements recited above with reference to Throckmorton.

The Office Action contends that Harrison teaches a method as discussed in the rejection of claim 65. As described with reference to claim 65, Harrison neither expressly or inherently describes the elements of claim 65. Moreover, claim 67 further recites at least the element (4) "launching an Internet browser to activate the target resource in support of interactive functionality for the program" and (5) "automatically displaying the interactive supplement content together with the program" The Office Action contends that Harrison inherently comprises element (5) because the viewers who do not desire to participate ... in a chat can

view the contents of the chat by watching associated data transmitted with the television signal. Applicants traverse. Applicants respectfully submit that Harrison is describing chat data not necessarily related to the television program which is not the interactive supplement content recited by the Applicants.

In order to support a §102 rejection, a reference must describe every element of a claim, in the exact manner claimed. The Applicants' respectfully submit that claim 67 recites at least five elements that are not described expressly or inherently in Harrison in the exact manner claimed by Applicants. For this reason, the Applicants submit that Harrison does not anticipate claim 67.

CONCLUSION

Applicants respectfully request reconsideration of the rejection of these claims in view of the above amendments and remarks. Applicants respectfully submit that Throckmorton and Harrison do not anticipate claims 56, 57, and 61-67, and that claims 56, 57, and 61-67 should therefore be allowed. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,
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ATTACHMENT

In accordance with CFR § 1.121, a marked-up version of amended claims 61, and 64-67 showing all changes relative to the previous version of those claims is given below:

61. (Twice Amended) A computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the following steps:

determining if a[the] program is interactive compatible, where an interactive compatible program is associated with target resources containing data which supports interactive functionality[in conjunction with the program], the target resources being located by corresponding target specifications; and

in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resource in support of interactive functionality for the program.

64. (Twice Amended) A computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the following steps:

determining if a[the] program is interactive compatible by checking a channel separate from said [program]channel for presence of the supplemental content[in conjunction with the program being received on said program channel], where an interactive compatible program is associated with target resources containing data which support interactive functionality in conjunction with the

video content program, the target resources being located by corresponding target specifications; and

in an event that the program is interactive compatible, retrieving a target specification associated with the program and dynamically launching an Internet browser to activate the target resources in support of interactive functionality for the program.

65. (Twice Amended) A computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the following steps:

determining if a[the] program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality in conjunction with the interactive compatible program, the target resources being located by corresponding target specifications;

displaying an icon to visually inform the viewer that the program is interactive compatible; and

in an event that the program is interactive compatible, retrieving a target specification associated with the program and launching an Internet browser to activate the target resource in support of interactive functionality for the program.

66. (Twice Amended) A computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the following steps:

determining if a[the] program is interactive compatible, where an interactive compatible program is associated with target resources containing data which supports interactive functionality in conjunction with the interactive compatible program, the target resources being located by corresponding target specifications;

displaying the interactive supplement content in response to the viewer activating an[the] icon; and

in an event that the program is interactive compatible, retrieving a target specification associated with the program and launching an Internet browser to activate the target resource in support of interactive functionality for the program.

67. (Twice Amended) A computer-implemented method for activating interactive supplemental content for a video content program upon tuning to a channel carrying the video content program, comprising the following steps:

determining if a[the] program is interactive compatible, where an interactive compatible program is associated with target resources containing data which support interactive functionality in conjunction with the interactive compatible program, the target resources being located by corresponding target specifications;

in an event that the program is interactive compatible, retrieving a target specification associated with the program and launching an Internet browser to activate the target resource in support of interactive functionality for the program; and

automatically displaying the interactive supplement content together with the [interactive compatible]program.